

TAKENO ET AL. - 09/955,974
Client/Matter: 008378-0283726

REMARKS

Claims 1, 2 and 5-8 are pending. By this amendment, claims 3-5 and 9-16 are cancelled without prejudice or disclaimer; and claim 1 is amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

An Information Disclosure Statement was filed October 23, 2003. Applicants have not yet received the initialed, signed and dated copy of the PTO-1449 submitted with the IDS. The Examiner is respectfully requested to consider each reference, initial, date and sign the PTO-1449 and return a copy of such with next Office Action in accordance with MPEP §609.

Claims 1-5 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Claim 1 recites a continuous pad including the same number of core metal plates as that of the plurality link units and a single urethane rubber belt. In other words, the continuous pad includes the single urethane rubber belt and the core metal plates. Applicants respectfully disagree that the drawings show a plurality of pads 20, as alleged on page 2, paragraph number 4 of the Office Action. As shown in Figure 1, there is only one reference number 20. The continuous pad 20 includes the single urethane belt 24, including the small thickness portions 25, and the core metal plates 21. Reference number 20 as shown in Figure 1 is not intended to refer to a single pad, but to a continuous pad. See also the use of reference number 20 in Figure 2.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph are respectfully requested.

Claims 1-3 were rejected under 35 U.S.C. §102(b) over Yusaku (Japanese Patent Publication 6-316280). The rejection is respectfully traversed.

Applicants respectfully note that the subject matter of claims 3, 4 and 5 have been incorporated into independent claim 1. Accordingly, Yusaku does not anticipate claim 1 as Yusaku does not include the limitations of claims 4 and 5, as acknowledged by the Office Action. In addition, also enclosed is a translation of Yusaku obtained from the Japanese Patent Office website. As clearly shown in the translation, Yusaku does not disclose or suggest a connecting device comprising at least one of a bolt-and-nut and welding, as recited in claim 1. Yusaku also does not disclose or suggest a bolt-and-nut welded to a core metal plate and covered with urethane rubber of a single urethane rubber belt, as recited in claim 1.

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Furthermore, Yusaku does not disclose or suggest plates being welded to a pair of links of a link unit assembly and extending perpendicularly to a direction in which the link unit assembly extends, nor does Yusaku disclose a urethane rubber belt including a small thickness portion positioned between adjacent core metal plates of the core metal plates. Accordingly, Yusaku cannot anticipate or render obvious claim 1.

Reconsideration and withdrawal of the rejection over Yusaku are respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §103(a) over the admitted prior art of Figure 15 in view of Katoh et al. (U.K. Patent Application 2,229,410 A). The rejection is respectfully traversed.

MPEP §2143 states: "To establish a *prima facie* case of obviousness, three basis criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all the claimed limitations."

The combination of the admitted prior art of Figure 15 and Katoh et al. fails to establish a *prima facie* case of obviousness against claim 1 as it fails to include all the limitations of claim 1 and as there is no motivation or suggestion to combine the references. In particular, there is no disclosure or suggestion by either the admitted prior art of Figure 15 or Katoh et al. of a urethane rubber belt of the continuous pad including a small thickness portion positioned between two adjacent core metal plates, as recited in claim 1. In addition, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to provide small thickness portion positions between adjacent core metal plates of the rubber crawler track of Katoh et al.

As clearly shown in Figure 2 of Katoh et al., for example, the rubber crawler track is formed around the consecutive core members 4, including the wing portions 4'c and the band member 4'd. However, the thickness of the rubber crawler track is constant and there is no small thickness portion between either the wing portions 4'c or the band member 4'd. In addition, as clearly shown in Figure 2, steel cords 5 are built in the rubber crawler track body 2 to reinforce the rigidity of the rubber crawler track. One of ordinary skill in the art would not have been motivated to provide a small thickness portion to the rubber crawler track of Katoh et al. as it would reduce, not reinforce, the rigidity of the rubber crawler track body 2.